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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,814	03/31/2004	Richard R. Hollowbush	D4781-00079 (1121-74)	5024
77617 7590 06/03/2008 Duane Morris LLP IP Department (Harris Corp.) 505 9th Street N.W. Suite 1000 Washington, DC 20004-2166				
EXAMINER				
YENKE, BRIAN P				
ART UNIT		PAPER NUMBER		
2622				
MAIL DATE		DELIVERY MODE		
06/03/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/813,814

**Applicant(s)**

HOLLOWBUSH ET AL.

**Examiner**

BRIAN P. YENKE

**Art Unit**

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Election (4/30/08).  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-14 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 03/31/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuhn et al., US 6,414,960.

In considering claim 10,

a) the claimed providing a digital signal...is met by Kuhn which discloses the SMTE-259 video format (also same format as described by applicant's disclosure) which includes the audio and video samples.

b) the claimed inserting...is met by the by A/V sync Test generator 1432 (Fig 14, col 11, line 2-12) which inserts the video and audio markers.

c) the claimed processing the digital signal....is met where the signal is transmitted via 1400 (Fig 14) through the network and received in a different location 1405.

d) the claimed sensing...is met my measurement set 1457 of the receiving device 1405.

e) the claimed timing a difference between...is met measurement device 1457 which measures the difference between the markers and any delay skew required is calculated.

In considering claim 11,

Kuhn discloses that the markers are inserted based upon the synchronization of the audio and video frames.

In considering claims 12-13,

As stated above with respect to claim 11, Kuhn discloses the detection of any delay skew between the audio and video (alternatively video and audio) where one may lead (or alternatively lag) or lag (or alternatively lead) the other marker, in the event they are not aligned.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2a. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhn et al., US 6,414,960 in view of

In considering claims 1, 4 and 9,

As stated above with respect to claim 10, Kuhn discloses the limitations as recited (limitations a-c), however does not recite the conventional features of presenting a sensed result as claimed (limitation d). The concept of displaying the relationship between an audio and video channel which have had markers included to illustrate the relationship is conventional as taught by Oriand et al. US 4,963,967, which discloses that the result may be output onto a display for observance (see abstract). The obvious motivation for doing so would be to observe the results of the testing being carried out.

In considering claims 2-3, 5

Kuhn discloses the insertion of markers into the audio and video channel and also using the SMPTE-259 standard which includes multiple audio channels along with the video. Thus although Kuhn does not explicitly recite applying the marker to each of the audio channels, it would be obvious to one of ordinary skill in the art to ensure that all audio channels (not just one) were aligned with the video program, thus requiring marking all audio channels.

In considering claims 6-8,

The combination above discloses a audio/video channel testing system which may display the of the results using a display. However the combination does not disclose "momentarily depicting" (claim 6), numeric readout (claim 7), or variation of display readout (claim 8).

Although it should be noted that each of these claims recites features which would have produced expected results to one of ordinary skill in the art, thus the claims are not patentably distinct in view of the art of record. The concept of momentarily depicting, a numeric readout or variation of a display readout are all visual indicators which may be implemented in such testing procedure. In the even the applicant deems these limitations produce unexpected results, the examiner requests the applicant to clarify such in order to expedite prosecution.

2b. Claim 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhn et al., US 6,414,960.

Kuhn discloses the insertion of markers into the audio and video channel and also using the SMPTE-259 standard which includes multiple audio channels along with the video. Thus although Kuhn does not explicitly recite applying the marker to each of the audio channels, it would be obvious to one of ordinary skill in the art to ensure that all audio channels (not just one) were aligned with the video program, thus requiring markering all audio channels.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure—see attached form PTO-892.

Art Unit: 2622

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (571)272-7359. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Sinh Tran, , can be reached at (571)272-7564.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(571)-273-8300**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703)305-HELP.

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An automated message system is available 7 days a week, 24 hours a day providing informational responses to frequently asked questions and the ability to order certain documents. Customer service representatives are available to answer questions, send materials or connect customers with other offices of the USPTO from 8:30 a.m. - 8:00p.m. EST/EDT, Monday-Friday excluding federal holidays.

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The Patent Electronic Business Center (EBC) allows USPTO customers to retrieve data, check the status of pending actions, and submit information and applications. The tools currently available in the Patent EBC are Patent Application Information Retrieval (PAIR) and the Electronic Filing System (EFS). PAIR (<http://pair.uspto.gov>) provides customers direct secure access to their own patent application status information, as well as to general patent information publicly available. EFS allows customers to electronically file patent application documents securely via the Internet. EFS is a system for submitting new utility patent applications and pre-grant publication submissions in electronic publication-ready form. EFS includes software to help customers prepare submissions in extensible Markup Language (XML) format and to assemble the various parts of the application as an electronic submission package. EFS also allows the submission of Computer Readable Format (CRF) sequence listings for pending biotechnology patent applications, which were filed in paper form.

/BRIAN P. YENKE/  
Primary Examiner, Art Unit 2622

B.P.Y.  
28 May 2008

